IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

PUBLIC INTEREST LITIGATION NO. 99 OF 2006

Shakuntal Apartments & Ors... ... Petitioners.

Versus

Pune Municipal Corporation & Ors..... Respondents.

Mr. S. S. Kanetkar for the Petitioners.

Mr. P.M.Patil, AGP for Respondent Nos.6 and 7.

CORAM : R. M. LODHA &
NARESH H. PATIL, JJ.

DATED : 19TH JULY, 2006.

P.C. :

Heard Mr. Kanetkar, counsel for the petitioners.

2. The petitioners seek to challenge the order dated 28th January, 2004 passed by the Divisional Commissioner, Pune Division, Pune (Exhibit "K") and the communication dated 17th June, 2005 whereby the Municipal Commissioner, Pune Municipal Corporation granted permission to respondent No.5 to construct the bridge over Ambil Odha at Survey No.133/B/1A, F.P.No.29, Sadashiv Peth, Pune.

3. The contention of the Counsel for the petitioners is that the said bridge is not sanctioned in the

development plan for Pune City.

4. Though the writ petition has been filed in the nature of public interest litigation, upon consideration of the entire material, we find that it is in fact against the public interest and that the order granting permission to construct bridge over Ambil Odha does not suffer from any legal infirmity. In exercise of power under Rule 38 of the Maharashtra Land Revenue (Disposal of the Government Lands) Rules, 1971, the Commissioner has granted permission to the Planning Authority (Pune Municipal Corporation) to construct the said bridge on usual terms and conditions. After the permission was granted by the Commissioner, Pune Division, vide Resolution No.6/107 dated 15th June, 2005 the Municipal Commissioner granted permission for the construction of bridge to respondent No.5 on the conditions mentioned in the communication dated 17th June, 2005.

5. We find that impugned orders are in the public interest and no interference is called for. Writ Petition is dismissed in limine.

Sd/-

(R. M. LODHA, J.)

Sd/-

(NARESH H. PATIL, J.)